

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13184, of Robert A. Fesjian, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Sub-section 3302.1 and Paragraph 7107.23) and from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy and floor area ratio (Paragraph 7107.21) for a proposed addition to a single family row dwelling which is a non-conforming structure in an R-5-B District at the premises 2013 Q Street, N.W. (Square 93, Lot 804).

HEARING DATE: March 12, 1980

DECISION DATE: March 12, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Q Street, one half block west of Connecticut Avenue. It is in an R-5-B zone district at premises known as 2013 Q Street, N.W.
2. The site is approximately 1961 square feet in area, and is presently improved with a three story and basement brick row dwelling.
3. The property is generally surrounded by similar row structures, most of which are used as residences.
4. The subject structure was built in 1882. It is designed so that the kitchen is at the basement level, at the back of the structure, with the dining room directly above the kitchen at the first floor level. Entrance to the dining room from the kitchen requires going up-stairs into a pantry area and then into the dining room to serve the food.
5. The applicant proposes to enlarge this pantry area and convert it into a kitchen. This will allow the applicant to have the kitchen adjacent to the dining area. It also requires the applicant to add a hall along the side of the new kitchen to allow access from the front of the dwelling to the dining room.

6. The structure currently occupies 1,452.25 square feet of the lot. Sub-section 3303.1 of the Zoning Regulations allows a maximum of sixty percent occupancy of the lot, or in this case 1,176 square feet. Although the applicant's addition does not increase the percentage of lot occupancy, a variance of 249.25 square feet or twenty-one percent is required.

7. The present dwelling provides a closed court of 4.5 feet. According to the definition of building area, such a court is included in the lot occupancy calculations. The addition located in the court does therefore not increase the lot occupancy.

8. The Zoning Regulations allows a maximum floor area ratio of 1.8 or in this case 3,528 square feet of gross floor area. The dwelling currently contains 4,661.31 square feet of gross floor area. Although the proposed addition of 58.50 square feet only increases this FAR by one percent to 4,719.81 square feet, the applicant seeks a variance of 1,191.81 square feet or thirty-four percent.

9. Advisory Neighborhood Commission 2B by report dated March 12, 1980 and testimony at the public hearing, supported the application on the grounds that the neighbors do not object and that the requested variances do not appear to be in conflict with the public interest, but rather would simply permit the applicant to have a useable kitchen adjacent to his dining area. The Board so finds.

10. The Office of Planning and Development by report, dated January 31, 1980 and testimony at the public hearing recommended approval of the application on the grounds that the one story addition will have no adverse impacts on adjoining or nearby property, in that addition does not increase the percentage of lot occupancy, and only adds one percent to the existing floor area ratio. The OPD felt that this application is consistent with the intent and purpose of the Zoning Regulations. The Board so finds.

11. There were letters of support from the adjoining property owners as well as neighboring residents.

12. Only one letter of opposition was registered by Mrs. Charles H. McEnerney of Hillyer Place, N.W. No reason was stated for this opposition. The applicant testified that the addition would not be visible to Mrs. McEnerney.

CONCLUSIONS OF LAW AND OPINION:


Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion the requested variances are area variances, the granting of which requires the showing of an exceptional situation or condition of the property which causes a practical difficulty for the owner. The Board concludes that the existence and configuration of the lot and structure since the late 1800's long before adoption of the Zoning Regulations, creates such a practical difficulty. The proposed addition does not increase the percentage of lot occupancy, and only adds an insignificant one percent to the FAR. The Board concludes that the enlargement of the existing pantry and hall in order to allow the applicant to have kitchen space next to the existing dining room is a reasonable request that would have no adverse impact on adjoining or nearby property.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Theodore F. Mariani, Connie Fortune, Charles R. Norris and William F. McIntosh to GRANT; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.